



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Bob Wieckowski, Vice Mayor
Anu Natarajan
Bill Harrison
Suzanne Lee Chan

City Staff

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Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Deputy City Manager

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Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

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Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
APRIL 13, 2010
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – None.*
- 2.3 **FREMONT LANDSCAPING MAINTENANCE DISTRICT 88**
Adoption of Resolution Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Maintenance Assessment District 88; Approving the Report and Stating the City Council's Intention to Levy Assessments for District 88 for Fiscal Year 2010/11

Contact Person:

Name:	Andrew Russell	Norm Hughes
Title:	Senior Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4534	510-494-4723
E-Mail:	arussell@fremont.gov	nhughes@fremont.gov

RECOMMENDATION: *Adopt resolutions:*

- 1. *Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Assessment District 88 for Fiscal Year 2010/11.*

2. *Stating the Intent of the City Council of the City of Fremont to Levy and Collect Assessments for Fremont Landscaping Assessment District 88 for Fiscal Year 2010/11.*

2.4 *ON-CALL ENVIRONMENTAL SITE ASSESSMENT (ESA) AND SOIL TESTING CONSULTANT SERVICES CONTRACT*

Award Contract for On-Call ESA and Soil Testing Consultant Services to The Consulting Group

Contact Person:

<i>Name:</i>	<i>Jeanne Suyeishi</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Associate Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4728</i>	<i>510-494-4748</i>
<i>E-Mail:</i>	<i>jsuyeishi@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATION:

1. *Authorize the City Manager or his designee to execute the Master Service Agreement with The Consulting Group for on-call ESA and soil testing consultant services in an amount not to exceed \$150,000 per year for three years*
2. *Authorize the City Manager or his designee to exercise the option to renew each agreement, at an appropriate time, for two additional one-year terms with an amount not to exceed \$100,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.*

2.5 *AMENDMENT TO PATTERSON RANCH EIR SERVICE AGREEMENT - (PLN2005-00186)*

Request for Authorization to Amend the Service Agreement with CirclePoint Consulting in Regards to Preparation of the Environmental Impact Report for the Patterson Ranch Development Project

Contact Person:

<i>Name:</i>	<i>Scott Ruhland</i>	<i>Jill Keimach</i>
<i>Title:</i>	<i>Associate Planner</i>	<i>Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4453</i>	<i>510-494-4767</i>
<i>E-Mail:</i>	<i>sruhland@fremont.gov</i>	<i>jkeimach@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager, or his designee, to amend the service agreement with CirclePoint to include an additional amount not-to-exceed \$300,000 (\$235,000 scope of work and \$65,000 contingency) to finish preparation of the Environmental Impact Report for the Patterson Ranch development project.

2.6 **UPDATE DEPOSITS RELATED TO LAND USE PLANNING AND DEVELOPMENT SERVICES**

Adopt a Resolution Revising and Restating Policies and Procedures for the Establishment, Collection, Administration, and Distribution of Deposits Related to Land Use Planning Applications and Development Services and Authorizing Deposit Amounts to be Set Administratively

Contact Person:

<i>Name:</i>	<i>Don Dorman</i>	<i>Jill Keimach</i>
<i>Title:</i>	<i>Business Manager</i>	<i>Community Development Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4616</i>	<i>510-494-4767</i>
<i>E-Mail:</i>	<i>ddorman@fremont.gov</i>	<i>jkeimach@fremont.gov</i>

RECOMMENDATION: Adopt the proposed resolution and delegate the authority to establish and update deposit amounts to the City Manager in accordance with the terms of the resolution.

2.7 **ON-CALL SURVEY CONSULTANT SERVICES CONTRACTS**

Award Contracts for On-Call Survey Consultant Services to Kier & Wright Civil Engineers & Surveyors, Inc. and Nolte Associates, Inc.

Contact Person:

<i>Name:</i>	<i>Jayson Imai</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Associate Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510- 494-4732</i>	<i>510-474-4748</i>
<i>E-Mail:</i>	<i>jimai@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATIONS:

- 1. Authorize the City Manager or his designee to execute Master Service Agreements with Kier & Wright Civil Engineers & Surveyors, Inc., and Nolte Associates, Inc., for on-call survey consultant services in an amount not-to-exceed \$100,000 per year for three years, with the option of renewing each agreement for two additional one year periods with an amount not-to-exceed \$100,000 per additional one year period.*
- 2. Authorize the City Manager to exercise the option to renew provided he determines the consultant has been responsive to the City's needs and the quality of the work has been satisfactory.*

2.8 **EAST WEST CONNECTOR PROJECT RIGHT-OF-WAY COOPERATIVE AGREEMENT**

Authorize the City Manager to Execute a Cooperative Agreement between the City and Alameda County Transportation Authority for the Right-of-Way Acquisition Phase for the East-West Connector Project (Route 84, Option 2)

Contact Person:

Name: Randy Sabado

Title: Real Property Manager

Dept.: Community Development

Phone: 510-494-4715

E-Mail: RSabado@fremont.gov

Jim Pierson

Director

Transportation & Operations

510-494-4722

JPierson@fremont.gov

RECOMMENDATION: Authorize the City Manager or his designee to execute a Cooperative Agreement between the Alameda County Transportation Authority and the City of Fremont for the Right-of-Way Acquisition Phase of the East-West Connector Project.

3. CEREMONIAL ITEMS

3.1 Proclamation: Arbor Day

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 REPORT ON NUMMI SITE REUSE AND REVITALIZATION

Report on NUMMI Site Reuse and Revitalization Activities Including Response to Interest by Major League Baseball in Possible Establishment of a Fremont Ballpark

Contact Person:

Name: Brian Millar
Title: Consultant
Dept.: City Manager's Office
Phone: 510-284-4008
E-Mail: bmillar@fremont.gov

RECOMMENDATION: Receive the update of costs incurred to date in support of NUMMI site reuse and revitalization activities. Provide feedback and policy direction on future activities in support of NUMMI site reuse and revitalization.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Appointments to advisory bodies

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



***2.3 FREMONT LANDSCAPING MAINTENANCE DISTRICT 88**

Adoption of Resolution Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Maintenance Assessment District 88; Approving the Report and Stating the City Council's Intention to Levy Assessments for District 88 for Fiscal Year 2010/11

Contact Person:

Name:	Andrew Russell	Norm Hughes
Title:	Senior Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4534	510-494-4723
E-Mail:	arussell@fremont.gov	nhughes@fremont.gov

Executive Summary: Each year, the City levies annual assessments within Landscaping Assessment District 88 for public landscape maintenance. This District currently consists of forty-seven zones. These zones encompass subdivision tracts that were approved by the City without homeowners associations (HOA). This district maintains public landscaped areas benefiting the subdivision. State law requires two Council meetings to complete the annual assessment process. At this first meeting, staff recommends the City Council adopt resolutions ordering the preparation and filing of the enclosed annual Engineer's Report detailing calculations of the annual assessments and declaring an intent to levy and collect annual assessments. The resolution sets a public hearing on the proposed levy for June 8, 2010. If the City Council approves the levy at the June meeting, the approved assessments will be forwarded to Alameda County for inclusion on property tax bills.

BACKGROUND: Both levies of ongoing annual assessments and establishment of new landscaping assessment districts are governed by the Landscaping and Lighting Act of 1972. This Act allows the City to levy and collect assessments for the purpose of funding installation, maintenance, and servicing of public landscaping and lighting improvements. The amount of the assessments levied on each parcel of land is based on the special benefit the parcel receives from the improvements. The County collects the assessment with property taxes and transfers the funds to the City.

The City Council formed Fremont Landscaping Assessment District 88 in December 1988. This is a Citywide district that allows the creation of small landscape maintenance zones as a condition of approval of individual subdivision maps. It ensures ongoing maintenance of public landscaping improvements that are in or adjacent to the subdivisions and that complement their appearance. Each year the City establishes the amount of money needed to maintain the public landscaping for each zone and levies an assessment on each lot in the zone sufficient to pay this amount. Formation of new zones (which begin as separate landscape assessment districts) and annexation into the Citywide District 88 is required when a developer does not form a homeowners association to maintain public landscaping required as a condition of tract approval.

The City must also comply with the requirements of Proposition 218 as they relate to this process. The voters adopted Proposition 218 in November 1996. Generally, Proposition 218 and its implementing legislation allow property owners to defeat, by majority protest, increases in assessments for any zone within the District or the formation of any new assessment district or zone. There are presently forty-

seven zones in District 88. On June 24, 1997, the property owners in the District's then existing Zones 1 through 37 (with the exception of Zones 18 and 22) authorize maximum assessments amounts to be established. In subsequent years, property owners allowed the formation of Zones 38 through 47 and established maximum assessments for them. Those zones have been annexed into District 88. Thus, District 88 includes Zones 1 through 17, 19 through 21 and 23 through 47. District 88 does not include former Zones 18 and 22, for which property owners established majority protests in 1997. The maximum assessments for each zone, and the amount of the proposed levy for this year, are shown in the Engineer's Report, Exhibit A. None of the existing zones is proposed for an assessment increase that would exceed the maximum assessment approved for it by the property owner on or after June 24, 1997.

DISCUSSION/ANALYSIS:

Annual Assessment for Existing Zones in District 88: In order to start proceedings for levying the ongoing annual assessment for District 88, the City Council must adopt two resolutions. The first resolution orders preparation of an Engineer's Report detailing calculation of the proposed annual assessment. The second resolution accepts and approves the Engineer's Report (which the City Council has received prior to this meeting and which the City Council may modify before approving), states the City Council's intent to levy and collect annual assessments, and sets a public hearing date of June 8, 2010.

Notice of the public hearing will be given by publication. At the hearing, the Council must consider oral and written protests to the assessment. However, the proposed zone assessments do not exceed the maximums established either in 1997 for then existing zones or for new zones created in subsequent years. Therefore, property owners cannot defeat the proposed assessments by establishing a majority protest.

New Assessment Districts: No new zones are proposed for this 2010/11 fiscal year.

Engineer's Report: Each year since the inception of the Landscaping Assessment District, staff has prepared and submitted an Engineer's Report to the City Council. The City Engineer has prepared the report for fiscal year 2010/11. For each zone, the Engineer's Report lists the expected costs (including a reasonable contingency) for the new fiscal year and a carryover cost, i.e., sufficient funds to pay the first six months of maintenance cost because assessments are not collected by the County until property tax bills become due. The City's and the County's administrative costs in administering the assessment are also included. The total of these cost items is the gross assessment. A credit is then applied to each zone, which consists of the projected zone balance as of the end of the current fiscal year less a reserve fund. The gross assessment less the credit for each zone is divided among its property owners to establish the annual net assessment for each property. The reserve fund formula is intended to "smooth" out large increases or decreases in the annual assessments. Generally, decreases in assessments have been limited to 10% while increases have been limited to a maximum of 20%.

Forty-one zones will be assessed in fiscal year 2010/11. The assessments for fiscal year 2010/11 have increased for twelve zones, decreased for nine zones and stayed the same for twenty zones. Of the twelve zones to increase, three exceed the 20% goal. In these zones, the reserve fund was not sufficient to offset unanticipated maintenance and water costs.

The annual assessments per lot vary considerably among the zones because of the difference in size and character of the landscaped areas and the number of lots in the zone. In previous years, the City Council took special action on Zone 2 (nine lots in Tract 5847), Zone 6 (eight lots in Tract 5950), Zone 12 (nine lots in Tract 5558), and Zone 16 (seven lots in Tract 6121) to allow the homeowners in these zones to take responsibility for the landscape maintenance themselves. This action foregoes the assessment of these zones as long as the homeowners are properly maintaining the landscaping. The homeowners in these four zones are maintaining the landscaping in a satisfactory manner.

Pages 34 through 36 of the Engineer's Report list the previous and proposed assessments for the existing forty-one zones.

FISCAL IMPACT: All City costs associated with maintaining and administering the District are covered by the annual assessments. There is no impact to the General Fund.

ENVIRONMENTAL REVIEW: None required.

ENCLOSURES:

- [Exhibit A – Engineer's Report for Fremont Landscaping Assessment District 88, Zones 1 through 47 \(excluding Zones 18 and 22\)](#)
- [Exhibit B – A Resolution of the City Council of the City of Fremont Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Assessment District 88 for Fiscal Year 2010/11](#)
- [Exhibit C – A Resolution of the City Council of the City of Fremont Stating the Council's Intent to Levy and Collect Assessments for Landscaping Assessment District 88 for Fiscal Year 2010/11](#)

RECOMMENDATION: Adopt resolutions:

1. Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Assessment District 88 for Fiscal Year 2010/11.
2. Stating the Intent of the City Council of the City of Fremont to Levy and Collect Assessments for Fremont Landscaping Assessment District 88 for Fiscal Year 2010/11.

***2.4 ON-CALL ENVIRONMENTAL SITE ASSESSMENT (ESA) AND SOIL TESTING CONSULTANT SERVICES CONTRACT**

Award Contract for On-Call ESA and Soil Testing Consultant Services to The Consulting Group

Contact Person:

Name:	Jeanne Suyeishi	Norm Hughes
Title:	Associate Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4728	510-494-4748
E-Mail:	jsuyeishi@fremont.gov	nhughes@fremont.gov

Executive Summary: The purpose of this report is to recommend that City Council award the on-call Environmental Site Assessment (ESA) and soil testing consultant services contract to The Consulting Group. The term of the contract will specify a not-to-exceed amount of \$150,000 per year for three years, for a total of \$450,000. At the end of the three-year term, the City will have the option to renew the contract for two additional one-year terms with a not-to-exceed amount of \$100,000 per year, bringing the total potential contract amount to \$650,000 over a five year period.

BACKGROUND: The on-call ESA and soil testing consultant services contract is used for services City staff does not have the expertise to perform in-house. Two primary areas of work are: 1) to perform environmental site assessments of a project area during the environmental phase of the project and 2) to perform soil testing of the project during final design to identify and quantify areas of aerially deposited lead or other types of metals that would require special handling and dumping of excavated materials during construction.

City Council awarded Master Service Agreements to The Consulting Group and Weiss Associates in February 2007. The terms of the Master Service Agreements specified a not-to-exceed amount of \$100,000 per year for two years, with an option to renew each contract for an additional one-year term with a not-to-exceed amount of \$100,000.

DISCUSSION/ANALYSIS: In February 2010, the City solicited Statements of Qualifications for On-Call ESA and Soil Testing Consultant Services. A total of five Statement of Qualification packages were received from the following consultant firms:

- ATC Associates, Inc.
- Baseline Environmental Consulting
- Geocon Consultants, Inc.
- The Consulting Group
- TRC Solutions

An evaluation panel comprised of City staff reviewed each firm based on their submitted Statement of Qualifications. Consultants were ranked based on overall and local experience with similar on-call contracts, key staff members and their availability, and the overall quality of the submittal package.

Results of that evaluation showed The Consulting Group ranked as the top firm. The Consulting Group is experienced in this type of work, is a responsible consultant, and has been satisfactorily providing on-call ESA and soil testing services to the City for the past nine years.

The contract would be awarded in an amount not to exceed \$150,000 per year for three years, for a total of \$450,000. At the end of the three-year term, the City will have the option to renew the contract for two additional one-year terms for an amount not to exceed \$100,000 each year, bringing the total potential contract amount to \$650,000.

FISCAL IMPACT: All task orders issued and work performed under the On-Call ESA and Soil Testing Consultant Services contract will be funded by the various PWC projects that require the work.

ENVIRONMENTAL REVIEW: Environmental review is not required because award of this agreement is not a project within the meaning of CEQA.

ENCLOSURE: None

RECOMMENDATION:

1. Authorize the City Manager or his designee to execute the Master Service Agreement with The Consulting Group for on-call ESA and soil testing consultant services in an amount not to exceed \$150,000 per year for three years
2. Authorize the City Manager or his designee to exercise the option to renew each agreement, at an appropriate time, for two additional one-year terms with an amount not to exceed \$100,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.

***2.5 AMENDMENT TO PATTERSON RANCH EIR SERVICE AGREEMENT -
(PLN2005-00186)**

**Request for Authorization to Amend the Service Agreement with CirclePoint Consulting in
Regards to Preparation of the Environmental Impact Report for the Patterson Ranch
Development Project**

Contact Person:

Name:	Scott Ruhland	Jill Keimach
Title:	Associate Planner	Director
Dept.:	Community Development	Community Development
Phone:	510-494-4453	510-494-4767
E-Mail:	sruhland@fremont.gov	jkeimach@fremont.gov

Executive Summary: CirclePoint Consulting is preparing the Environmental Impact Report (EIR) for the Patterson Ranch development project. A draft EIR was published on October 27, 2009 beginning a 45-day public review period that concluded on December 14, 2009. In the time since the public review period closed, the applicant has submitted a substantially altered project for consideration by the City. Based on the revised project and the substantial number of comments received on the draft EIR, over 800, the City, consultant, and applicant have agreed to prepare a new draft EIR and re-circulate for public review. Changes to the project include:

- Reduction in the number of units from 839 to a maximum of 520;
- Substantial change toward a predominantly single-family housing product;
- Substantial changes to the storm drainage and water quality treatment concept;
- Elimination of the commercial/retail component of the project;
- Elimination of development of a Community Park in favor of a land dedication at the previously proposed location;
- Elimination of the elementary school site

Due to these circumstances, additional funds are needed to prepare a new draft EIR and final EIR. The additional costs will be paid for by the property owner.

BACKGROUND: An application was submitted for a Development Agreement, General Plan Amendment and Rezoning for the 428-acre Patterson Ranch site in July 2006. Pursuant to CEQA, the City must evaluate all environmental impacts associated with the project and because of the size and scope of the project, it was determined an EIR was required. Preparation of the Environmental Impact Report began in April 2007 with a budget of \$500,000. An amendment to the original scope for an additional \$125,000 was approved by Council on April 28, 2009. These items included:

- Changes in the project scope made by the applicant;
- Additional traffic analysis required;
- Additional review and analysis required regarding the Water Supply Assessment;
- Additional research and analysis required regarding global climate change;

DISCUSSION/ANALYSIS: The environmental consultant has estimated an additional \$235,000 is needed to complete the project. However, staff is requesting up to \$300,000 be authorized to include an additional \$65,000 as a contingency. Staff has reviewed and discussed the budget with the applicant and all believe it is justified. The additional costs associated with preparation of the draft/final EIR will be paid by the property owner, including staff charges associated with managing the project. The property owner has agreed to the additional costs.

FISCAL IMPACT: None

ENCLOSURES:

- [Plan Comparison Table](#)
- [Revised Plan Diagram](#)

RECOMMENDATION: Authorize the City Manager, or his designee, to amend the service agreement with CirclePoint to include an additional amount not-to-exceed \$300,000 (\$235,000 scope of work and \$65,000 contingency) to finish preparation of the Environmental Impact Report for the Patterson Ranch development project.

***2.6 UPDATE DEPOSITS RELATED TO LAND USE PLANNING AND DEVELOPMENT SERVICES**

Adopt a Resolution Revising and Restating Policies and Procedures for the Establishment, Collection, Administration, and Distribution of Deposits Related to Land Use Planning Applications and Development Services and Authorizing Deposit Amounts to be Set Administratively

Contact Person:

Name:	Don Dorman	Jill Keimach
Title:	Business Manager	Community Development Director
Dept.:	Community Development	Community Development
Phone:	510-494-4616	510-494-4767
E-Mail:	ddorman@fremont.gov	jkeimach@fremont.gov

Executive Summary: The City collects deposits in connection with land use planning applications and development services. Although the deposit amounts are not fees and only create a fund against which charges are withdrawn, the deposit amounts by application type and the rules regarding how they are administered by staff are set forth in different parts of the City of Fremont’s Master Fee Schedule. Historically, the City Council has set both the fee amounts (which, by law, the Council must do) and the specific deposit amounts (this is not required by State law). This process works well for services for which the City charges a fixed fee, but has caused administrative challenges, customer service issues, and collection problems related to instances where the fees are charged on a “job cost” basis. Staff recommends that the City Council adopt a resolution: that gathers together all of the City’s policies, and procedures related to these deposits into one document. The policy and procedure would authorize the City Manager to periodically adjust deposit amounts (not the fees) for standard or “typical” projects, “simple” projects and “complex” projects and would authorize the Community Development Director to further increase the deposit for extremely complex projects.

BACKGROUND: California law allows cities performing planning and development review services (such as land use rezoning and general plan amendments, planning commission activities, construction plan checks, and Subdivision Map Act-related services) to recoup their costs under provisions of the Mitigation Fee Act (California Government Code Sections 66014 et seq.).

Fremont’s City Council has over the years adopted by resolution various fees that allow the City to recover its service costs. Those adopted fees are summarized in the City of Fremont Master Fee Schedule. Most of the land use planning and real property services cost recovery revenue is computed on a “job cost” basis. The job cost for each service activity is calculated by multiplying the labor costs of the City staff providing the particular type of service (based on the labor hours spent and the employee’s chargeable labor rate) by a Council-established cost-recovery factor (referred to in City resolutions as, “the multiplier factor”). Under the Mitigation Fee Act the City Council is alone responsible for setting the rates of cost recovery and the Council is not permitted to delegate its responsibilities to staff. However, setting of deposit amounts is not addressed by the Mitigation Fee Act.

The Master Fee Schedule specifies whether particular services are rendered on either a fixed fee basis or a job cost basis. The Master Fee Schedule has also traditionally specified the deposit that must be paid

with each type of service application. Requiring deposits can be an extremely practicable way both to give an applicant some idea of what the final service costs will be for a “typical” job-cost project of the same nature as the applicant’s and to protect the City against the applicant’s failure to pay the service fees after the work is complete. However, the deposits are not fees themselves.

The Council last updated the specific deposit amounts pertaining to the various fees in 2001 (the update before that occurred in 1997) because the deposits had drifted out of alignment with typical service fee totals. Such misalignments are caused by increasing City costs and by the increasingly complex regulatory review of land use and construction activities. These factors have again caused incongruence between certain City fee totals and their companion deposits so that more projects are requiring monthly fee billings because the deposits are depleted prior to project completion. The lack of more precisely calculated ?? deposit amounts has also led to post-service billings with the attendant issues surrounding the collection of unpaid fees.

As part of its continuing process improvement efforts, the City engaged Zucker Systems in the fall of 2007 to analyze the development services processes. The Zucker Systems report issued in 2008 identified several advantages and disadvantages to the City’s deposit processes. Among the disadvantages were that “some applicants don’t understand how the deposit works and assume that the deposit is the fixed fee,” and that there were potential collection problems. Based on their evaluation of deposits in FY 2006/07, Zucker Systems concluded that approximately 75% to 80% of projects went over the deposit amount, whereas 20% to 25% were ultimately given a refund. Based upon its study, Zucker Systems recommended that deposit amounts be increased.

DISCUSSION/ANALYSIS: Administrative provisions governing the deposits are presently scattered throughout various sentences and paragraphs of the Master Fee Schedule. These administrative provisions grant staff the authority to collect the deposits and give instructions about replenishing consumed deposits and refunding excess deposits at the end of a job. The attached draft resolution would adopt a policy and procedure that collects the City’s deposit-related administrative policies and procedures into a single document and updates and supplements those provisions based on experience in administering the deposits. This format is intended both to aid staff in administering the deposit provisions and to clarify the deposit administrative provisions to the public.

Staff is also recommending that the City Council delegate to the City Manager the authority to periodically review, revise, and establish deposit amounts for “typical” projects, “simple” project and “complex” projects. Standard deposit amounts for “typical” projects would be based on the methodology discussed below. Deposit amounts for “simple” and “complex” projects would be set at twenty-five percent below and above the standard deposit amounts, respectively. In addition, staff recommends that City Council authorize the Community Services Director to make individualized determinations to increase the standard deposit amounts where it is demonstrated that a project is extremely complex and will require more staff time than a “complex” project. Staff is making these recommendations because of the need to more frequently match deposit experience to service cost experience in order to achieve the larger objectives of improving pre-project disclosure to applicants regarding expected total fees, improving customer relations, enhancing collection of cost recovery revenues, and reducing collection expenses.

Before recommending any change to the standard deposit amount, staff will have gathered historical information about the respective types of regulatory service activities involved and will have computed the median and average costs based on Fremont's experience. These results will then be analyzed in light of the number of cases where the deposits have differed significantly from the actual total costs related to processing the type of applications to which the deposit pertain. In making standard deposit amount recommendations, staff will also evaluate the City's collection history and the number of cases that have exceeded the initial deposit. These analyses are difficult to do on a scheduled basis, as is required for an annual process culminating in City Council approval of new deposit amounts, because of the unevenness in frequency in some of the types of services. While some services are rendered fairly regularly, others are rendered less frequently. Review and updating of these amounts as the activities occur will build more flexibility and accuracy into the deposit updating process.

If the City Council approves this administrative approach for future analyses and changes to the deposit amounts, the City Manager would consider standard deposit changes recommended jointly by both the Community Development Director and the Finance Director. Nothing about this deposit-setting process will change the fees actually established for the services as set by the City Council. The Council will continue to periodically be asked to review, evaluate and approve revised fees for the services, as required under the Mitigation Fee Act, where appropriate to change or extend the rates. The proposed changes described in this report do not change any fees or rates.

Another change incorporated into the proposed resolution allows for three different pre-authorized deposit categories for each service activity for which a deposit is needed: standard project deposits (the default), simple project deposits, and complex project deposits. This structure allows a closer matching between the deposit required and the service requests given the nature of the project itself. The fees related to services rendered to "typical" projects will be secured by the standard deposit. Staff may, however, collect either the simple project deposit or complex project deposit based upon whether the applicant's project submittals show that the staff time needed to perform the services is reasonably expected by a responsible City official to be twenty-five percent (25%) less or more, respectively, than the time spent on a standard project. For extremely complex projects, the City will retain the ability to negotiate a suitable deposit; this discretion already exists in the existing Council guidance described in the Master Fee Schedule resolution.

The proposed policy and procedure contains an appeal process for applicants as a further safeguard against deposits being set unfairly high in the case of complex projects and against staff taking arbitrary positions with regard to the administration of deposits. This appeal process is designed to further improve the development process and reduce complaints.

The proposed policy and procedure is intended to gather all of the provisions regarding deposits into a single document that can serve as an authoritative reference guideline to staff and as an information source to the public. Doing so should make administering the deposits more efficient and also make the process more transparent to the public.

FISCAL IMPACT: Although the impact cannot be quantified, staff expects the City to achieve fiscal savings due to reduced billings caused by deposits that are substantially less than the actual anticipated fees and further savings resulting from less staff time spent engaging in collection activities.

ENVIRONMENTAL REVIEW: The action proposed by this item is exempt from review under the California Environmental Quality Act ("CEQA) pursuant to CEQA Guideline Section 15060(d) as the action proposed is an administrative activity of government that will not result in direct or indirect physical changes in the environment and therefore is not a project as defined in CEQA Guideline Section 15378.

ENCLOSURE: [Draft Resolution](#)

RECOMMENDATION: Adopt the proposed resolution and delegate the authority to establish and update deposit amounts to the City Manager in accordance with the terms of the resolution.

***2.7 ON-CALL SURVEY CONSULTANT SERVICES CONTRACTS**

Award Contracts for On-Call Survey Consultant Services to Kier & Wright Civil Engineers & Surveyors, Inc. and Nolte Associates, Inc.

Contact Person:

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Dept.:	Community Development	Community Development
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Executive Summary: The purpose of this report is to recommend the City Council award separate contracts to Kier & Wright Civil Engineers & Surveyors, Inc. (Kier & Wright), and Nolte Associates, Inc. (Nolte), for on-call survey consultant services. The terms of each contract will specify a not-to-exceed amount of \$100,000 per year for three (3) years, for a total of \$300,000. At the end of the three-year term, the City will have the option to extend the contracts for up to two additional one year periods with a not-to-exceed amount of \$100,000 per year, bringing the total potential contract amount to \$500,000 per consultant. Staff selected Kier & Wright, and Nolte for recommendation based upon evaluation of Statements of Qualifications received from eight different surveying firms.

BACKGROUND: City Council awarded Master Service Agreements to Kier & Wright and RBF Consulting for On-Call Survey Consultant Services in February 2007. The terms of those agreements specified a not-to-exceed amount of \$200,000 per year for two years, with an option to renew each contract for an additional one-year term with a not-to-exceed amount of \$200,000. In June 2009, the City extended the agreements for both Kier & Wright and RBF Consulting for the additional one-year period allowed, from April 1, 2009 through March 31, 2010, bringing the total amount for each contract to \$600,000. The On-Call Survey Consultant Services contract is used to augment City staff in two primary areas of work, 1) topographical surveys, including the performance of boundary analyses and the preparation of plats and legal descriptions, and 2) the review of development plans submitted to the City for review, including parcel maps, final maps and plats and legal descriptions.

DISCUSSION/ANALYSIS: In February 2010, the City solicited Statement of Qualifications for On-Call Survey Consultant Services to supplement City staff. A total of eight Statement of Qualification packages were received from the following consultant firms:

- Aliquot
- Bellecci & Associates
- BKF
- HMH Engineers
- Kier & Wright
- Nolte Associates
- RBF Consulting
- Sandis

An evaluation panel comprised of City staff reviewed each firm based its submitted Statement of Qualifications. Consultants were ranked based on overall and local experience with similar on-call contracts, key staff members and their availability, and the overall quality of the submittal package. The evaluation ranked Kier & Wright and Nolte Associates as the top two firms. Nolte Associates is experienced in this type of work and is a responsible consultant. Kier & Wright is also experienced in this type of work, is a responsible consultant, and has been providing on-call surveying services to the City for the past eight years.

Staff recommends securing the on-call survey services of two consultant firms in order to 1) eliminate potential conflicts of interest involving the review of plans prepared and submitted to the City by the consultant firm under contract, and 2) minimize potential scheduling conflicts regarding the availability of consultant staff and field crews.

Each contract would be awarded for an amount not to exceed \$100,000 per year for three years, for a total of \$300,000. At the end of the three-year term, the City will have the option to extend each contract for two additional one year periods, with a not-to-exceed amount of \$100,000 per one year period, bringing the total potential contract amount to \$500,000 per consultant.

FISCAL IMPACT: All task orders issued and work performed under the On-Call Survey Consultant Services contracts will be funded by the various PWC or development projects that require the work.

ENVIRONMENTAL REVIEW: Environmental review is not required because award of these agreements is not a project within the meaning of CEQA.

ENCLOSURE: None

RECOMMENDATIONS:

1. Authorize the City Manager or his designee to execute Master Service Agreements with Kier & Wright Civil Engineers & Surveyors, Inc., and Nolte Associates, Inc., for on-call survey consultant services in an amount not-to-exceed \$100,000 per year for three years, with the option of renewing each agreement for two additional one year periods with an amount not-to-exceed \$100,000 per additional one year period.
2. Authorize the City Manager to exercise the option to renew provided he determines the consultant has been responsive to the City's needs and the quality of the work has been satisfactory.

***2.8 EAST WEST CONNECTOR PROJECT RIGHT-OF-WAY COOPERATIVE AGREEMENT**

Authorize the City Manager to Execute a Cooperative Agreement between the City and Alameda County Transportation Authority for the Right-of-Way Acquisition Phase for the East-West Connector Project (Route 84, Option 2)

Contact Person:

Name:	Randy Sabado	Jim Pierson
Title:	Real Property Manager	Director
Dept.:	Community Development	Transportation & Operations
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Executive Summary: The East-West Connector Project would improve, widen and construct the local street alignment between Interstate 880 and State Route 238. The project includes improvements and widening on both Decoto Road and Paseo Padre Parkway, and a new four-lane roadway between Paseo Padre Parkway and State Route 238 (Mission Boulevard) in the cities of Fremont and Union City. The project also includes work on Mission Boulevard necessary for traffic access to the new roadway facility.

It will be necessary to acquire public and private property interests to construct the project improvements. In order to facilitate the acquisition of properties through Fremont, staff has negotiated a Cooperative Agreement with Alameda County Transportation Authority (ACTA) which provides for City staff to perform acquisition services for the project that will be fully reimbursed by ACTA. Staff is requesting authorization for the City Manager or his designee to execute a Cooperative Agreement with ACTA for the Right-of-Way Acquisition Phase of the East-West Connector Project.

BACKGROUND: The voters of Alameda County, pursuant to the provisions of the Bay Area County Traffic and Transportation Funding Act, Public Utilities Code Sections 131100 *et seq.*, approved Measure B at the General Election held on November 4, 1986, thereby authorizing a sales tax increase to finance major transportation improvements within Alameda County. ACTA was created to administer the effort.

In 2006, ACTA, Fremont, Union City, and Caltrans entered into a Memorandum of Understanding (MOU) for the Funding and Delivery of the Route 84 Local Roadway Improvement (Option 2) Project in Fremont and Union City, now known as the East-West Connector (EWC) Project. The EWC was approved by the Fremont City Council on July 7, 2009. The EWC was environmentally cleared by ACTA in July 2009 by adoption of an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA).

T.Y. Lin International is currently providing engineering services under a separate agreement with ACTA for preparation of the final design plans, specifications, and estimates. Associated Right of Way Services (ARWS) is under subcontract with TY Lin International for right-of-way appraisal and acquisition activities. The City has experienced real property staff who have time available and can provide similar acquisition services. City staff will perform these services in connection with the

acquisition of parcels within the city limits of Fremont, and will be fully reimbursed by ACTA. Various right-of-way engineering and appraisal activities are beginning or have previously taken place under the Final Design Phase Agreement. The acquisition phase of the project is scheduled to begin within the next few months.

DISCUSSION/ANALYSIS: ACTA and City staff have discussed and agreed upon the roles and responsibilities of each party regarding the items to be incorporated in a Cooperative Agreement for the acquisition of right-of-way.

ACTA will be responsible for providing all design and right-of-way engineering services (mapping, legal descriptions and plat maps) needed for the EWC project. ACTA will be responsible for obtaining independent appraisals and the review of these appraisals for all of the impacted properties and will compensate City staff for acquisition, appraisal and oversight services on a monthly basis. ACTA will also take the lead role in communicating and coordinating with all of the various utility companies in the vicinity of the EWC project.

The City Council will be asked to use its eminent domain authority, if needed, in order to acquire the property interests in Fremont within the project schedule. The City's condemnation authority would be used for privately owned and publicly owned parcels in Fremont that are not owned by the City. The new EWC roadway will become a City street. Therefore, all property acquired in Fremont will be acquired in the City's name.

With regard to utility relocation for the project, the City will prepare and send letters to the affected utility companies exercising its franchise rights for the purpose of requiring the utility owners to relocate at no cost to the project. The City will also execute Design and Relocation Agreements with utility owners whose utilities will require relocation.

FISCAL IMPACT: ACTA will compensate the City for all staff time related to the acquisition of property interests and for right-of-way oversight, including all City overhead costs.

ENVIRONMENTAL REVIEW: The EWC was environmentally cleared by ACTA in July 2009 by adoption of an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA). The City made findings as a Responsible Agency, pursuant to CEQA, and approved the project on July 7, 2009.

ENCLOSURE: [Location map of the EWC project](#)

RECOMMENDATION: Authorize the City Manager or his designee to execute a Cooperative Agreement between the Alameda County Transportation Authority and the City of Fremont for the Right-of-Way Acquisition Phase of the East-West Connector Project.

6.1 Report Out from Closed Session of Any Final Action

7.1 REPORT ON NUMMI SITE REUSE AND REVITALIZATION

Report on NUMMI Site Reuse and Revitalization Activities Including Response to Interest by Major League Baseball in Possible Establishment of a Fremont Ballpark

Contact Person:

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Executive Summary: In anticipation of the closure of the NUMMI plant, the City has been active in pursuing various actions related to reuse and revitalization of the NUMMI facility, with a related focus on surrounding lands. These actions have included the filing of a grant application with the Economic Development Administration for funding in support of various technical studies related to the NUMMI site and surrounding lands; undertaking public outreach measures intended to solicit community input; and continuing to monitor MLB's possible interest in a portion of the NUMMI site for location of a new ballpark. This report is an update of costs incurred to date and a request for Council feedback and policy direction on future activities in support of NUMMI site reuse and revitalization.

BACKGROUND: There has been ongoing activity related to the New United Motor Manufacturing, Incorporated (NUMMI) site and surrounding lands in the past several months, as summarized below.

NUMMI Plant Closure: The NUMMI automotive manufacturing plant, created in 1984 when General Motors entered into a partnership with Toyota, closed on April 1, 2010. The NUMMI plant was a major employer for Fremont and California. The closure of the plant resulted in 4,700 lost jobs at the plant, and impacted more than 300 related California supply and service companies that contributed to the employment of more than 20,000 throughout the state. The closure also leaves the approximately 370-acre NUMMI site potentially vacant.

Application to Create Priority Development Area (PDA): At its February 29, 2010 meeting, the City Council adopted a Resolution of Local Support authorizing filing of an application for designation of a Priority Development Area (PDA) in the Warm Springs BART Station Area. This action, in response to regional planning efforts of multiple Bay Area agencies and the City, is a collaborative effort aimed at supporting Smart Growth principles, where resources can be concentrated in support of specific project implementation plans. The PDA status would allow the area to be eligible for future funding from a variety of state and regional sources. Future activities for funding may range from planning assistance to infrastructure construction.

Economic Development Administration Grant Application: On February 24, 2010, following receipt of authorization from City Council, staff filed a grant application with the federal Economic Development Administration (EDA). The grant application seeks \$333,000 in funding to assist the City in analyzing the potential to reuse, redevelop, and plan for the ultimate buildout of the 370-acre NUMMI site and several sites immediately adjacent to NUMMI and the future Warm Springs BART Station. The larger area surrounding the Warm Springs BART site has been identified as a Special Study Area in the

Fremont General Plan. Transit-Oriented Development (TOD), with its higher densities and development intensities, is conceptually planned in the general vicinity of the BART Station, slated to open in 2014.

Notice of EDA grant award is anticipated at any time. With EDA funding, the City will undertake, through the hiring of consultants, a series of studies:

- 1) *Economic and Market Analysis Strategic Plan* that will identify the short-term market (immediate timeframe to ten years) for the site, as well as recommend how best to accommodate the potential market for future uses over the longer term (perhaps looking ahead as much as 30 years);
- 2) *Land Use Alternatives Study* that will evaluate and recommend land use policy options for the type and level of development over the middle- and long-term that can flexibly accommodate market changes over time;
- 3) *Infrastructure and Cost Analysis* that will identify the physical opportunities and constraints for developing the site, including an assessment of critical infrastructure needs for alternative land use options;
- 4) *Financial Assessment* that will examine the financial feasibility of land uses being considered.

The City seeks to move forward with the studies on an aggressive timeline to ensure reuse of the NUMMI site as expeditiously as possible. On April 7, 2010, the City released a Request for Proposals (RFP) for consultant preparation of the above-noted studies; consultant selection is expected to be completed by July 2010, and will require City Council action related to consultant contract approval. The studies are expected to take approximately eight months to complete. A copy of the RFP is attached for the Council's information.

Major League Baseball (MLB) Interest in Ballpark on NUMMI Lands: In January 2010, staff presented to the City Council a Conceptual Approach for the potential development of a Major League Baseball (MLB) ballpark to be located on the northerly 120 acres of the NUMMI site. The Conceptual Approach was developed in response to inquiries received from MLB. The Conceptual Approach includes a mixed-use approach to development of the 120 acres and allows for continuation of manufacturing at the NUMMI plant if future demand dictates. The intent is for a 36,000-seat MLB ballpark to serve as a major catalyst for the long-term development of the larger project site. The MLB ballpark option would likely be included within one of the three land use alternatives and considered in the related studies the City is undertaking regarding the NUMMI site and surrounding lands.

A MLB committee, appointed by the MLB Commissioner, continues to evaluate the potential for locating a new MLB ballpark in Fremont (at the NUMMI site), Oakland or San Jose. MLB is expected to announce its decision in the coming weeks. City staff and consultants continue to work on this matter as needed in response to MLB's ongoing consideration of Fremont as a possible site for a MLB ballpark.

Public Involvement: The process for reuse of the NUMMI site will include multiple opportunities for City Council and public input, with initial actions primarily related to the EDA-funded NUMMI studies. These opportunities include:

- The City has posted a Community Preferences Survey on its website (www.fremont.gov) that provides information to the public on the NUMMI site and recent plant closure, and asks a series of informational questions designed to solicit community input on how the NUMMI facility and area lands could or should be used in the future. The survey will remain posted through April 30, 2010, after which results will be tabulated, posted to the website and shared with City Council.
- Both the survey and the website have spaces for the public to post comments and questions directly of City staff.
- Various stakeholder meetings will be held as the NUMMI studies proceed later this summer.
- A public workshop focusing on NUMMI reuse and revitalization is tentatively being planned for later this summer.
- The City's NUMMI efforts will be further publicized in upcoming City newsletters, including posting links to the City's website where readers can obtain additional information.
- As the NUMMI technical studies move ahead into Fall 2010, additional public workshops/meetings are anticipated with the City Council where public input will be invited, including on the issue of Land Use Alternatives.
- The NUMMI studies will lead to City preparation of a Community Plan and related Environmental Impact Report (EIR). These processes will have substantial opportunity for public input related to study issues for the EIR, consideration of project environmental impacts, and in crafting of the Community Plan document.

DISCUSSION/ANALYSIS: As noted above, the City is engaged on numerous issues related to the NUMMI site and general area. This includes important work related to securing the EDA grant, undertaking necessary studies, and soliciting community input. Additionally, staff and the City consultant team continue to work on an as-needed basis with MLB as their consideration of the NUMMI site as a possible location for a ballpark continues.

These efforts have required expenditures of City funds. The following provides an update on costs incurred to-date for MLB-related actions since June 18, 2009, and anticipated costs for supporting the preparation and administration of the EDA grant and associated studies.

MLB

- Since June 18, 2009, a total of \$158,814 has been expended in response to initial inquiries by MLB about a ballpark at the NUMMI site; in preparation of the City's Conceptual Approach; and for follow-up efforts in January and February 2010. These costs included consultants from Barrett Sports Group, Jacobs Chase, Gensler Architecture (which also included related costs for Bernards Engineering), and Erickson Beasley Hewitt. Amounts spent to date remain well within City Manager purview in accordance with City purchasing regulations.

- Should Fremont remain in consideration by MLB for a ballpark, moderate amounts of consultant time in the coming months will be required; should Fremont be selected as the preferred ballpark site, these costs would likely increase as the work effort responds accordingly.
- Cost breakdown by consultant is shown on the attached table, for your information.

NUMMI (EDA Grant-related costs)

- Costs for this work since January 2010 have been limited to City staff time in preparing and filing the EDA grant application, preparing the draft Requests for Proposals for the studies that would be funded through the grant, and responding to various public inquiries related to the NUMMI closure.
- The EDA requires a 20 percent City match of the grant funds. The City's required match of \$83,250 will be met entirely through the use of City staff time incurred in processing the grant and oversight of the related technical studies.

FISCAL IMPACT: Participation in the EDA grant application requires a 20 percent commitment of City funds. The 20 percent match (\$83,250) will be provided through staff time. It is difficult to estimate additional expenditures related to MLB activities given the evolving nature of the MLB committee's work. Staff will continue to provide updates on these activities for Council consideration.

ENVIRONMENTAL REVIEW: There is no project or other action related to this staff report that triggers provisions of the California Environmental Quality Act (CEQA). Therefore, no CEQA determination is required.

ENCLOSURES:

- [Request for Proposals for NUMMI-related studies](#)
- [Summary of MLB Consultant Costs](#)

RECOMMENDATION: Receive the update of costs incurred to date in support of NUMMI site reuse and revitalization activities. Provide feedback and policy direction on future activities in support of NUMMI site reuse and revitalization.

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Appointments to advisory bodies with terms expiring as follows:

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Art Review Board	Beth Booth	December 31, 2013
Senior Citizens Commission	Eeshwari Vaidya	December 31, 2010

ENCLOSURES: [Commission Applications](#)

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
April 20, 2010	6:00 p.m.	City Council Special Meeting	Council Chambers	Live
April 27, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 3, 2010	4:00 p.m.	Joint City Council/FUSD Board Meeting	Council Chambers	Live
May 4, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 11, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 18, 2010	TBD	Work Session	Council Chambers	Live
May 25, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 1, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 8, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 15, 2010	TBD	Work Session	Council Chambers	Live
June 22, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 29, 2010 (5 th Tuesday)	TBD	No City Council Meeting		
July 6, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 13, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 20, 2010	TBD	Work Session	Council Chambers	Live
July 27, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
		August Recess		